

### Remarks

Careful consideration has been given the Official Action dated June 14, 2004 in preparing this amendment. Newly presented Claims 5 and 6 recite features of the latch mechanism used to secure the bi-fold doors of the present invention. Reconsideration of Claims 1, 3, 4 and consideration of newly presented Claims 5 and 6 is respectfully requested in light of the foregoing amendments and the remarks which follow.

Claim 1 is rejected under 35 USC §103(a) as unpatentable over Gottfried et al. in view of Stephen. It is the Examiner's position that

Gottfried et al. discloses a crib comprising at least two end supports (1, 2) a central bed (not shown) extending between the two end supports and two side frame members (14, 15) for restraining an infant wherein one (15) of the side members has at least one access door (41) which pivots out of the way. Gottfried et al. fails to teach the crib being wheelchair accessible such that the two end supports are spaced by a width greater than the maximum width of the wheelchair and the central bed extending between the two end supports have a lowermost extent which exceeds the seat height of the wheelchair by an amount sufficient to accommodate a lap of the care giver.

Stephen discloses an elevated infant crib designed for wheelchair access. The crib comprises at least two end supports (15, 15') spaced by a width greater than the maximum width of the wheelchair and a central bed (11) extending between the two end supports have a lowermost extent which exceeds the seat height of the wheelchair by an amount sufficient to accommodate a lap of the care giver. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the crib of Gottfried by a spacing the end support a width greater than the maximum width of the wheelchair and the providing the central bed extending between the two end supports with a lowermost extent which exceeds the seat height of the wheelchair by an amount sufficient to accommodate a lap of the care giver so as to be wheelchair accessible, as taught by Stephen.

With regard to Claim 2, it is the Examiner's position that

Gottfried, as modified, discloses the claimed invention except for the access door comprising at least one bi-fold door. Bifold doors are well known in the door art and Bolton discloses, in col. 1, lines 4-8, that "bifold doors...take less space than a traditional "swing door". Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the swing door of Gottfried with a bi-fold door so as to provide a door which requires less space. Thus, a wheelchair-bound care giver is not required to back away from the crib to permit the door to clear.

As it may be applied to the amended claims, these rejections are respectfully traversed.

Claim 1 now specifies that the side frame members have "at least one bi-fold access door

which pivotally retracts out of the way". The doors of Gottfried et al. and Stephen are sliding doors. Not every bedroom is spacious enough to provide the luxury of keeping floor space twice the length of the crib free of furniture to allow the sliding door of Stephen operating space. The Examiner attempts to use Bolton as a teaching reference to render obvious the substitution of a bi-fold door of the type applicant discloses for the sliding door of Gottfried et al. as modified by Stephen. The problem is that Bolton teaches one to substitute a bifold door for a "swinging door". Gottfried et al. and Stephen each teach a *sliding* door.

In addition, although bi-fold doors may be well known in the door art, Applicant is innovating in the baby bed art. Bi-fold doors provide a novel and unobvious result in this application. The Gottfried et al. in view of Stephen crib of the Examiner's creation will require that a disabled care giver with an infant in her/his arms slide the door closed in order to take the child to a bath tub, for example. There simply are not enough hands to permit this to be done safely, both hands being needed to safely support/corral the squirming baby. Bolton affords no help in teaching the substitution of a bi-fold door for a sliding crib closure. It is apparent that the Examiner is relying on teachings found in Applicant's specification alone to provide the mortar to hold the building blocks of her rejection together. Such a combination requires an impermissible level of hindsight reconstruction. **In re McLaughlin**, 170 USPQ 209. It is respectfully submitted that this rejection is ill-founded and should be withdrawn.

Claim 3 has been rejected under 35 USC §103(a) as unpatentable over Gottfried et al. in view of Stephen and Bolton as further modified by Johnson. It is the Examiner's position that

Gottfried, as modified, fails to disclose a pair of bifold doors. Johnson discloses in Fig. 1, an access door comprising a pair of bi-fold doors. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the fixed door (42) and the pivoting door (41) of Gottfried with a pair of bi-fold doors so as to provide greater access opening to the infant.

As it may be applied to the amended claims, this rejection is respectfully traversed.

Johnson, like its predecessor, Bolton, is not directed to the baby crib art but, rather, to the household door art. Accordingly, Johnson does nothing to remedy the deficiencies of the Gottfried

et al., Stephen, Bolton combination. This rejection, too, is ill-founded and should be withdrawn.

Claim 4 has been rejected under 35 USC §103(a) as unpatentable over Gottfried et al. in view of Stephen and Bolton and Johnson as further modified by Schwarz. It is the Examiner's position that

Although Gottfried discloses the access door having a latch means for securing the door in a closed position, Gottfried, as modified, fails to disclose latch means securing a pair of doors in a closed position pending actuation by the care giver. Schwarz discloses a crib comprising a pair of access doors (28). The doors are provided with latch means (32, 36) for holding the doors in closed position pending actuation by the care giver.

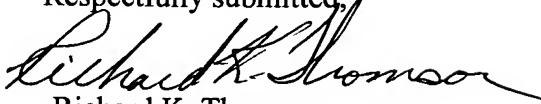
It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bifold doors with latch means so as to securely retain the doors in a closed position.

As it may be applied to the amended claims, this rejection is respectfully traversed.

Schwarz discloses a latch for a pair of pivoting crib doors in which the dual latches 32 are interconnected by bar 34. Firstly, Schwarz does nothing to correct the deficiency in the base combination. Secondly, an infant standing in Schwartz' crib, could manually lift upper latch 32, which, by virtue of connecting bar 34 would simultaneously unlatch the lower latch 32 as well. Then, by virtue of the infant standing in the crib and leaning on the upper bar 28, he/she could tumble out onto the floor. One of the benefits of Applicant's independently operable latches is that no child, in the crib or out, can open the bi-fold doors and allow the baby to tumble out. It is respectfully submitted this rejection is ill-founded and should be withdrawn.

It is respectfully submitted that Claims 1, 3-6 meet the formal requirements set forth in 35 USC §112, define around the art of record and are, therefore, in condition for allowance. Early indication of allowability is earnestly solicited.

Respectfully submitted,

  
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Certificate of Mailing under 37 CFR §1.8

I hereby certify that this amendment to the above identified application entitled "Wheel Chair Accessible Crib" is being deposited with the United States Postal Service addressed to Commissioner for Patents, Mailstop Non-Fee Amendment, PO Box 1450, Alexandria, VA 22313-1450 with adequate first class postage on the date shown.

Signed Richard K. Thompson Date Sept 2, 2004